

## Remarks

Applicants respectfully request reconsideration of the present U.S. Patent application as amended herein. No claims have been amended, added or canceled. Thus, claims 1-46 are pending.

### CLAIM REJECTIONS – 35 U.S.C. § 103(a)

Claims 1-46 were rejected as being unpatentable over U.S. Patent No. 6,681,109 issued to Leifer (*Leifer*) in view of U.S. Patent Application No. 2005/0080675 of Lovegreen, et al. (*Lovegreen*). For at least the reasons set forth below, Applicants submit that claims 1-46 are not rendered obvious by *Leifer* and *Lovegreen*.

Submitted herewith are the Declarations of Uttam K. Sengupta, Nikhil M. Deshpande and Robert Knauerhase to establish conception of the claimed invention before the filing date of *Lovegreen*. In addition to establishing conception of the claimed invention before the filing date of *Lovegreen*, the attached declarations establish reasonable diligence between the filing date of *Lovegreen* and the filing date of the present application.

Reasonable diligence is all that is required of the attorney. Reasonable diligence is established if attorney worked reasonably hard on the application during the continuous critical period. If the attorney has a reasonable backlog of unrelated cases which he takes up in chronological order and carries out expeditiously, that is sufficient.

See ***MPEP* § 2138.06**, citing *Bey v. Kollonitsch*, 866 F.2d 1024, 231 USPQ 967 (Fed. Cir. 1986). In view of the foregoing, Applicants submit that *Lovegreen* does not qualify

as prior art and request that the rejection of claims 1-46 as being unpatentable over *Leifer* and *Lovegreen* be withdrawn.

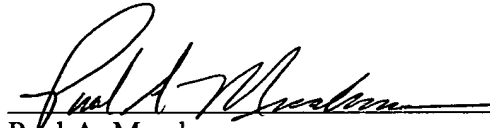
CONCLUSION

For at least the foregoing reasons, Applicants submit that the rejections have been overcome. Therefore, claims 1-46 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application. Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,  
**BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP**

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